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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 29TH DAY OF MAY, 1998

PRESENT

THE HON'BLE MR. R.P. SETHI, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE M.B. VISHWANATH

WRIT PETITION NO. 12436/1998

BETWEEN

1. UNION OF INDIA Represented
by its Secretary,
Ministry of Home Affairs,
Govt. of India, New Delhi - 110 011
 2. The Registrar General of India,
Ministry of Home Affairs,
Govt. of India, No.2/A Hansingh Road,
New Delhi - 110 011
 3. The Director of Census Operation,
Karnataka, Bangalore, 7th Floor,
E & F Wing, Kendriya Sadan,
Koramangala, Bangalore - 560 034
- (By Adv. Sri. M. Devadas)

... PETITIONERS

AND

1. K. Narayana Bhat,
S/o Subbaraya Bhat, Aged about
50 years, Resident of No. 526,
MIG II Phase, Sector-A,
Yelahanka New Town, Bangalore - 64
 2. The Central Administrative Tribunal,
Bangalore Branch, Bangalore, by its
Registrar.
- (By Dr. M.S. Nagaraj, Adv.)

... RESPONDENTS

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This is a writ petition filed under Articles 226 and 227 of the Constitution of India by the petitioners praying to issue a writ in the nature of Certiorari/Mandamus to quash the order in O.A.No.1001/96, dt 27-2-98 passed by the Central Administrative Tribunal, Bangalore vide Annexure-A & dismiss O.A.No.1001/96 filed by the rspt

This petition is coming on for Preliminary hearing, SETHI, CHIEF JUSTICE made the following;

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We have heard the learned Counsel appearing for the petitioners and perused the records.

2. No ground is made out to interfere with the order of the Central Administrative Tribunal, Bangalore Branch, Bangalore, which has after quashing the impugned orders vide Annexures A-6 to A-8 directed petitioners to promote the applicant (respondent-1) to the post of Investigator from the date his junior was promoted with all consequential benefits.

3. Learned Counsel appearing for the petitioners vehemently argued that in view of adverse ACRs first respondent could not be promoted. We do not agree with this submission in view of the Judgment of the Tribunal in Application No.1052/95, decided on 9-1-1995 directing consideration of the case of 1st respondent by stepping up one level higher in the ACRs and if he makes the Bench mark grading, to be promoted on regular basis. Stepping up of one level in the ACRs entitles the 1st respondent for promotion, because it was deemed to be no adverse entry against him. The Tribunal has rightly found

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on facts that the earlier directions have not been complied with.

4. No merit. Writ Petition dismissed.



Sd/-
JUDGE

Sd/-
JUDGE

OVP*